

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Francesca Julie JAMES-Acuna

Defendant.

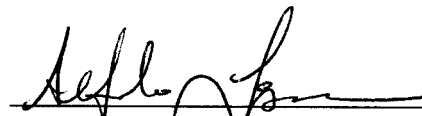
Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 23, 2008**, within the Southern District of California, defendant **Francesca Julie JAMES-Acuna**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Asusena RUAN-Gonzalez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).


SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
Customs and Border Protection

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24th DAY OF
July, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Asusena RUAN-Gonzalez**, is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 23, 2008, at approximately 0020 hours, **Francesca Julie JAMES-Acuna (Defendant)**, and passenger Glenn Victor GORECKI applied for admission into the United States at the San Ysidro, California Port of Entry as the sole visible occupants of a 1993 white Chevrolet Lumina. A Customs and Border Protection (CBP) Officer inspected the vehicle's undercarriage area, and noticed a non-factory compartment attached to the vehicle. A second CBP Officer arrived on scene and noticed denim material in an open space of the undercarriage compartment. The CBP Officers apprehended the Defendant and her passenger and escorted the vehicle for further inspection.

In secondary, CBP Officers removed the first two bucket seats located in the driver and front passenger area. The seats were attached to the floor of the vehicle by bolts which had to be removed. Once the seats were removed the carpet was lifted revealing a metal access panel. The access panel was lifted and two persons were discovered concealed in an undercarriage compartment of the vehicle. The two adults were later determined to be citizens of Mexico without entitlements to enter the United States. One adult female is now identified as, **Asusena RUAN-Gonzalez**, was held as a Material Witness.

During a videotape proceeding, Defendant was advised of her Miranda rights and elected to submit to questioning without benefit of counsel. Defendant admitted to being the driver of the vehicle but initially denied having any knowledge of the concealed individuals in the non-factory compartment. Defendant stated she went to Mexico to pick up a vehicle and drive it back into the United States. Defendant later admitted that she did in fact have knowledge prior to making arrangements to pick up the vehicle that she was to smuggle undocumented aliens into the United States. Defendant stated she was to receive \$500.00 USD for driving the vehicle into the United States and smuggling the alien. Defendant stated she was instructed to drop off the concealed alien at a pre-determined location in Chula Vista, California, and then return the vehicle to Mexico.

On a videotaped interview, Material Witness admitted she is a citizen of Mexico without legal rights to enter the United States. Material Witness stated she was going to pay approximately \$4,000.00 USD to be smuggled into the United States. Material Witness stated she was en route to Los Angeles, California to reside with her husband.